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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Electronic Filing of Documents in) GC Docket No. 97-113
Rulemaking Proceedings)

COMMENTS OF GTE SERVICE CORPORATION

GTE Service Corporation on behalf of its telephone and wireless subsidiaries ("GTE") hereby submits its comments in response to the *Notice of Proposed Rulemaking* ("NPRM") adopted by the Federal Communications Commission ("FCC" or "Commission") in the above-captioned proceeding.¹ In the *NPRM*, the Commission proposes to allow parties to file comments and other pleadings electronically in notice and comment rulemaking proceedings, except for broadcast allotment proceedings. As noted herein, GTE supports the Commission's efforts to phase in electronic filing.

I. Discussion

A. Formal Status of Electronically Filed Comments

The Commission tentatively concludes that accepting comments in electronic format would serve the public interest. It therefore proposes to amend its rules to afford electronically filed comments the same treatment and consideration as paper comments.²

¹ Electronic Filing of Documents in Rulemaking Proceedings, *Notice of Proposed Rulemaking*, GC Docket No. 97-113, FCC 97-113 (released April 7, 1997).

² *Id.* at 4-5 (¶¶ 8-10).

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GTE agrees that allowing comments to be filed electronically is in the public interest. GTE urges the Commission to modify the current rules as proposed to permit electronic filings. Electronic filings will increase efficiency and productivity of both the Commission staff and the industry. Electronic filings should be presumed appropriate for all pleadings, including notice of inquiry proceedings, petitions for rulemaking, petitions for reconsideration, etc. unless the Commission determines that specific circumstances require a "paper-only" filing.

GTE also supports the Commission's plan to eventually phase-in electronic filing rules for other types of FCC pleadings. Electronic filing rules should be adopted more quickly for proceedings that tend to evoke less complicated filings, while more complex proceedings that evoke very large filings with detailed diagrams and forms should be adopted after the Commission and the industry have gained more experience with electronic filing.

B. Implementation Issues

1. Number of Copies

The FCC tentatively concludes that if comments are filed electronically, parties would need only to submit one electronic copy. The FCC would then be responsible for distributing the comments to the appropriate FCC personnel and the FCC's copy contractor.³

GTE agrees that parties should only be required to file one electronic copy of comments with the Commission. Requiring only one electronic copy will make

³ *Id.* at 5 (¶ 12).

electronic filing easier for the public and should improve comment distribution within the FCC. Thus, instead of relying on the filing party to route copies of comments to the appropriate FCC staff member, FCC staff interested in a proceedings could obtain comments by notifying the Secretary's office or other FCC office responsible for accepting and maintaining electronic copies.⁴ Filing only one electronic copy will also reduce the chances of there being two or more slightly different documents in various locations at the Commission.

GTE also supports the Commission's proposal to forward copies of the pleadings it receives to its copy contractor, rather than requiring parties to make a separate file transfer to the vendor. GTE is concerned, however, that the copy contractor be able to make paper copies of electronically-filed comments available to the public at the same time it typically makes copies of paper-filed comments available.⁵ Accordingly, the FCC should require its copy contractor be able to make paper copies of electronically filed comments available to the public by 8:30 am the day after the comments were filed. If such a requirement is not immediately feasible, the Commission should consider requiring parties to submit a paper copy of electronically-filed comments with the copy contractor as an interim solution.

⁴ Even if such a system is implemented, parties filing comments should have a means of drawing FCC staff persons' attention to a filing. For this reason, the FCC should consider allowing parties to designate on the electronic filing form FCC staff persons that the party wants to receive a courtesy copy of the electronically filed document.

⁵ Paper copies, typically available by 8:30 am from the copy contractor, are often relied upon by interested parties to disseminate comments within each company.

2. Use of the World Wide Web

The Commission proposes to use a World Wide Web page to support electronic filings. The Commission proposes to establish an interactive Internet page through which parties may upload or directly enter their comments. The Web page would also be used to allow parties to search for and download comments filed in an FCC proceeding.⁶

GTE supports the use of the World Wide Web as the primary mechanism for submitting electronic filings. GTE believes, however, that the Commission should not rely on its Web page as the only means of submitting electronic filings. GTE is concerned that server or network problems or congestion could hinder or prevent electronic filings, particularly in popular proceedings where comments are voluminous. The FCC should consider establishing back-up procedures in the event that the Web page is not available.⁷ One possible procedure would be to create a separate method of filing pleadings – such as an electronic bulletin board. A more efficient method, however, might be for the FCC to sanction a method for commenters unable to file by means of the FCC's Web page to file their comments electronically through a third party that would place an electronic time stamp on the pleading before forwarding it to the

⁶ *NPRM* at 6 (¶ 14).

⁷ While GTE is aware that parties could always file paper copies in such circumstances or file late electronic copies accompanied by a petition for acceptance of late-filed pleadings, neither of these methods is efficient. First, by the time a party realizes that electronic filing has failed, it may be too late to generate paper copies in time to get to the FCC before the Secretary's office closes. Second, requiring parties to submit requests for late-acceptance creates additional risks and burdens for filing parties, and may lead parties to abandon electronic filing altogether.

Commission. Comments filed with the FCC bearing a time stamp prior to the filing deadline would then be deemed timely filed. Also, provisions should be made for extremely large data submissions (files that could take hours to transfer on the Web) to be submitted on appropriate off-line media such as CD-ROM or any of the popular magnetic formats.

3. Secure Transmissions

The FCC seeks comment on whether any special measures are necessary to authenticate or secure electronic comments in rulemaking proceedings. Noting that the risk of forgery of electronically filed comments appears no greater than with paper-filed comments, the FCC proposes to leave it to the filing parties to identify fraudulent filings.⁸

GTE generally agrees that electronic filings present about the same risk of fraud as paper-filed comments. Moreover, since the majority of the documents being submitted will be public documents in the official record of the proceedings, document security for the sake of privacy is not a priority issue. Document security is important, however, as a means of ensuring that accidental corruption of the document does not occur during transmittal. Since the submitting party has the burden of ensuring the authenticity of the filed document, such parties should have the option to take steps in transmitting files to the FCC to ensure the accurate transmission of data and to avoid later having to compare the received document with the transmitted document on a word-by-word basis.

⁸ *NPRM* at 6-7 (¶ 16).

GTE is aware of technology, which, if implemented by the FCC, would allow parties submitting comments to elect to protect their transmission with whatever level of security the commenter deems appropriate. GTE believes that implementing such a capability could be accomplished at very little cost to the Commission. GTE also believes that once such a capability is in place, the sending party would bear all of the cost of securing the transmission. GTE will attempt to elaborate on this proposal in the reply round of comments.

4. Date and Time of Electronic Filings

The FCC proposes that the filing date and time for comments submitted by electronic mail be the date and time the document is received by the FCC. The FCC states that it will implement a confirmation mechanism to automatically notify submitting parties of the official time and date the comments were received by the Commission.⁹

GTE supports the Commission's proposal to treat the date and time received as the official filing date and time. However, as noted above, GTE is concerned that filling by electronic means may prove difficult, in particular on afternoons that comments are due in popular proceedings. In order to address this concern, GTE believes, first, that in the event of server or network congestion, parties should be able to petition the Commission for acceptance of "late-filed" comments when it can be shown that the cause of the tardiness was attributable to electronic circumstances beyond its control. Accurate server and network trouble logs could either verify or refute such claims. Second, as discussed in Section I.B.2., *supra*, the Commission should create either a

⁹ *Id.* at 7 (¶ 18).

back-up electronic filing system or a third-party time stamping system to protect parties from missing filing deadlines due to circumstances beyond their control.

5. Reconsideration Proceedings

The Commission proposes that if it decides to extend electronic filing to petition for reconsideration proceedings, it should continue to require service to other parties be made by paper documents unless the party to be served agrees to accept electronic service.¹⁰ First, as noted above, GTE believes that petition for reconsideration proceedings should be included in the initial roll-out of electronic filing. Second, GTE agrees with the Commission's proposal with respect to service copies. To facilitate electronic service copies, GTE suggests that the Commission design its Web page to include a place where parties can designate whether they will accept electronic service copies and listing an electronic mail address for such copies.

6. Other Issues

The Commission requests public input on a number of issues relating to electronic filing of comments. In particular, the Commission seeks comment on whether it should specify particular file formats.¹¹ At the outset, GTE recommends that the Commission allow a broad range of filing procedures and formats in order to gain first-hand experience before selecting a permanent procedure. Acceptable file formats should be inclusive enough to not force parties wishing to file documents electronically to purchase specific software packages from vendors. Most newer word processing

¹⁰ *Id.* at 8 (¶ 20).

¹¹ *Id.* at 8 (¶ 22).

programs are able to format documents in a number of different standards. The specific format should be the choice of the filing party.

With respect to citation difficulties created by electronic filings, GTE believes that the Commission will ultimately need to specify in its rules a uniform means of citing to filed documents. GTE recommends that the FCC experiment with paragraph numbering by requiring commenters to use paragraph numbering and cite to paragraph numbers in a handful of proceedings. Should paragraph numbering prove a viable solution to the citation problem, the FCC should make paragraph numbering mandatory.

Finally the Commission asks how service requirements for Bureaus or particular offices handling a proceeding should be handled. As GTE stated above, the best way to handle internal FCC distribution of electronically filed documents would be for one electronic copy to be filed at the FCC's Web page, and for the individual Commission offices or staff persons to be able to register internally to be put on the FCC's distribution list for comments in a particular proceeding. Such a procedure would benefit the public by eliminating the need for multiple electronic filings or different procedures for different offices.

II. Conclusion

GTE supports the Commission's proposal to amend its rules to permit electronic filing of comments in notice and comment rulemaking proceedings. GTE believes that electronic filing should also be available in other proceedings, including notice of inquiry proceedings, petitions for rulemaking, and petitions for reconsideration. GTE believes that the FCC should amend its proposal to: (1) ensure that paper copies of

electronically-filed pleadings are available to the public in a timely manner; (2) provide a back-up system for making electronic filings in the event of server or network congestion; and (3) provide a means by which parties can ensure their transmissions are received as sent.

Respectfully submitted,

GTE Service Corporation and its telephone
and wireless companies

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